

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

DAVID HENLEY,	)	
	)	
Petitioner,	)	
	)	Case No. 1:05-cv-174
	)	(1:01cr148)
v.	)	<i>Edgar</i>
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**FINAL JUDGMENT ORDER**

For the reasons expressed by the Court in its memorandum opinion filed herewith, it is **ORDERED** that all remaining claims of David Henley in his motion under 28 U.S.C. § 2255 [Court Doc. No. 1] are **DENIED AND DISMISSED WITH PREJUDICE**.

In addition, the Court has reviewed this case pursuant to 28 U.S.C. § 1915(a)(3) and Rule 24 of the Federal Rules of Appellate Procedure and hereby **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. Therefore, any application by Henley for leave to proceed *in forma pauperis* on appeal is **DENIED**. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24.

Further, should Henley file a timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, which is hereby **DENIED** since, as discussed in the memorandum opinion filed herewith and the prior memorandum filed relating to Henley's claims [Court Doc. No. 20], Henley's claims are clearly without merit and he cannot present a question of some substance about which reasonable jurists would differ. 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b).

This is a **FINAL ORDER**. The Clerk of the Court shall close the record in this case.

SO ORDERED.

ENTER this the 15th day of May, 2009.

/s/ R. Allan Edgar  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE